

EDWARD H. KUBO, JR. (2499)
United States Attorney
District of Hawaii

HARRY YEE (3790)
Assistant U.S. Attorney
Room 6-100, PJKK Federal Bldg.
300 Ala Moana Boulevard
Honolulu, Hawaii 96850
Telephone: (808) 541-2850
Facsimile: (808) 541-3752
Email: harry.yee@usdoj.gov
Attorneys for Defendants
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

'ILIO'ULAOKALANI COALITION, a)	CIVIL NO. 04-00502 DAE BMK
Hawaii nonprofit corporation;)	
NA 'IMI PONO, a Hawaii)	AMENDED DECLARATION OF HARRY
unincorporated association;)	YEE; CERTIFICATE OF SERVICE
and KIPUKA, a Hawaii)	
unincorporated association)	
)	
Plaintiffs,)	
)	
v.)	
)	
DONALD H. RUMSFELD, Secretary)	
of Defense; and FRANCIS J.,)	
HARVEY, Secretary of the)	
United States Department)	
of the Army,)	
)	
Defendants.)	
_____)	

AMENDED DECLARATION OF HARRY YEE

I, HARRY YEE, deposes and says:

1. I am an Assistant United States Attorney who along with Barry A. Weiner, co-counsel for the Federal Defendants in this matter, assisted in the preparation of the supplemental

memorandum in support of Defendants' Supplemental Brief on the Scope of Interim Injunctive Relief in the above-captioned case.

2. I am requesting that the Court allow Defendants to file a brief that has more than the number of words permitted under Local Rule 7.5(b). Plaintiffs in opposing defendants' motion and filing a motion to compel raised several different theories, relied on a significant number of cases, and provided a declaration a declaration from plaintiffs' counsel regarding the propriety of plaintiffs' recent discovery requests.

3. In an effort to address the numerous cases cited by the plaintiffs, the legal theories raised in plaintiffs' memorandum, and the assertions made in plaintiffs' counsel's declaration, defense counsel found it necessary to prepare a supplemental memorandum that exceeds the 9,000 word content limit in Local Rule 7.5(c), by approximately 4,347 words. The additional information provided by this extension is necessary to fully advise the Court of the defendants' position with respect to the pending motions and issued raised therein.

4. It is, therefore, respectfully requested that Defendants be permitted to submit a supplemental memorandum that contains 13,347 words in order to provide the Court with a memorandum that fully addresses the numerous arguments and theories raised by the plaintiffs in their opposition brief.

5. No previous applications for this relief have been made in this case.

6. Plaintiffs' counsel was not contacted seeking his consent to this request.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed this 15th day of December, 2006.

/s/ Harry Yee

HARRY YEE

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

'ILIO'ULAOKALANI COALITION, a)	CIVIL NO. 04-00502 DAE BMK
Hawaii nonprofit corporation;)	
NA 'IMI PONO, a Hawaii)	CERTIFICATE OF SERVICE
unincorporated association;)	
and KIPUKA, a Hawaii)	
unincorporated association)	
)	
Plaintiffs,)	
)	
v.)	
)	
DONALD H. RUMSFELD, Secretary)	
of Defense; and FRANCIS J.,)	
HARVEY, Secretary of the)	
United States Department)	
of the Army,)	
)	
Defendants.)	
_____)	

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on the date and by the method of service noted below, a true and correct copy of the foregoing was served on the following at their last known addresses:

Served Electronically through CM/ECF: December 15, 2006

David L. Henkin dhenkin@earthjustice.org

Isaac H. Moriwake imoriwake@earthjustice.org

DATED: December 15, 2006, at Honolulu, Hawaii.

/s/ Harry Yee
